

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dr. Vince Michael Figueredo *et al.*

Serial No.: 09/312,922

Filed: May 17, 1999

For: **SYSTEM FOR TRANSMITTING
VIDEO IMAGES OVER A
COMPUTER NETWORK TO A
REMOTE RECEIVER**



) Group Art Unit: 2713

) Examiner:

) **DECLARATION OF JONATHAN O.
OWENS**

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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

1. My name is Jonathan O. Owens. I am a patent attorney. I represent IntraCom Corporation in its patent matters, including preparation and prosecution of patent applications. I have personal knowledge of the following facts.

2. On May 18, 1998, I filed, on behalf of IntraCom Corporation, a provisional application Serial No. 60/085,818 entitled APPARATUS FOR TRANSMITTING LIVE VIDEO IMAGES OVER A COMPUTER NETWORK TO MULTIPLE REMOTE RECEIVERS. A copy of the filing receipt for this provisional application is hereto attached as Exhibit 1. This provisional application named Kendyl A. Roman, R. Paul Raposo, Richard Scott Neale, Cyrus Javad Hoomani, Vince Michael Figuredo and Thomas Joseph Broadbent, as inventors.

3. On May 18, 1998, I received Assignment documents signed by the inventors named in the provisional application, which are hereto attached as Exhibits 2, 3 and 4. In these Assignment documents, which were all notarized, each of the named inventors

acknowledged that they had "sold, assigned and transferred, and by these presents do sell, assign and transfer unto said Assignee [IntraCom Corporation], and Assignee's successors and assigns, all right, title and interest in and to said invention, said provisional patent application and any application for United States Letters Patent claiming priority of this provisional patent application, and any Letters Patent which may hereafter be granted on the same in the United States and all countries throughout the world including any divisions, renewals, continuations in whole or in part, substitutions, conversions, reissues, prolongations or extensions thereof" In these Assignment documents, each of the inventors also agreed "that they will, without charge to said Assignee, but at Assignee's expense, cooperate with Assignee in the prosecution of said application and/or applications, execute, verify, acknowledge and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof, and will perform such other acts as Assignee lawfully may request, to obtain or maintain Letters Patent for said invention and improvements in any and all countries, and to vest title thereto in said Assignee, or Assignee's successors and assigns."

4. On February 24, 1999, I sent a first draft of the above-captioned patent application to Kendyl Roman, while he was still at IntraCom Corporation, under the letter hereto attached as Exhibit 5.

5. On May 17, 1999, I filed, on behalf of IntraCom Corporation, the above-captioned patent application Serial No. 09/312,922 entitled SYSTEM FOR TRANSMITTING VIDEO IMAGES OVER A COMPUTER NETWORK TO A REMOTE RECEIVER. A copy of the filing receipt of this application is hereto attached as Exhibit 6. As evidenced by the filing receipt, this application claims priority of the provisional application Serial No. 60/085,818.

6. On September 29, 1999, I sent the letter hereto attached as Exhibit 7 to David B. Fisher, Esq., the attorney for Kendyl A. Roman. To this letter I attached formal documents, including a Declaration/Power of Attorney and and Assignment document, and a copy of the patent application as filed.

7. On October 4, 1999, I received a fax transmittal message from Mr. Fisher, which is hereto attached as Exhibit 8. In this fax transmittal, Mr. Fisher states that he is in receipt of the correspondence dated September 29, 1999 and is requesting that I provide a copy of the Final Patent Application forthwith.

8. On October 15, 1999, I sent the letter hereto attached as Exhibit 9 to Mr. Fisher with a copy of the patent application as filed.

9. After not hearing from Mr. Roman or Mr. Fisher, I contacted Mr. Fisher by telephone on Tuesday, December 7, 1999. At this time, I was told by Mr. Fisher that because of certain disputes with IntraCom Corporation, Mr. Roman was refusing to sign the application papers for this application.

4. I declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true. Further, these statements were made with the knowledge that willful false statements and the like are punishable by fine and imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Respectfully submitted,

HAVERSTOCK & OWENS LLP

Dated: Dec. 14, 1999

By: Jonathan O. Owens
Jonathan O. Owens
Reg. No.: 37,902

Attorneys for Applicants

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington D.C. 20231

HAVERSTOCK & OWENS LLP

Date: 12/14/99 By: Jonathan O. Owens